



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, बोरवार, २३ फरवरी, १९७८/४ फाल्गुन, १८९९

हिमाचल प्रदेश सरकार

LAW DEPARTMENT

NOTIFICATION

Simla-171002, the 20th February, 1978

No. LLR-D (6) 29/77.—The Himachal Pradesh Municipal (Amendment) Bill, 1977 (Bill No. 23 of 1977) after having received the assent

of the Governor of Himachal Pradesh on the 17th February, 1978 is hereby published in the Rajpatra, Himachal Pradesh as Act No. 8 of 1978 for the information of general public.

JAI CHAND MALHOTRA,
Secretary.

Act No. 8 of 1978.

THE HIMACHAL PRADESH MUNICIPAL (AMENDMENT) ACT, 1977

AN

ACT

further to amend the Himachal Pradesh Municipal Act, 1968 (Act No. 19 of 1968).

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Twenty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Himachal Pradesh Municipal (Amendment) Act, 1977.

Short title and commencement.

(2) It shall come into force at once.

19 of 1968 2. After clause (7) of section 2 of the Himachal Pradesh Municipal Act, 1968 (hereinafter referred to as the principal Act) the following clause (7-A) shall be inserted, namely:—

Amendment of section 2.

“(7-A) “co-opted member” means a member co-opted under section 11-A and the word “co-option” with all its grammatical variations shall be construed accordingly;”.

3. For section 11 of the principal Act, the following section shall be substituted, namely:—

Substitution of section 11.

“(1) Subject to the provisions of section 16, a committee for each municipality shall consist of the following members, namely:—

(a) such number of elected members as the State Government may prescribe in this behalf;

(b) co-opted members under section 11-A, if any; and

(c) associate members namely, every member of the Himachal Pradesh Legislative Assembly representing the constituency in which the municipality or any part thereof is situate:

Provided that an associate member shall not be entitled to vote but shall, subject to the other provisions of the Act, have the right to speak in and otherwise take part in the proceedings of any meeting of the committee or its sub-committee of which he may be a member.

Explanations I.—If the constituency of a member of the Himachal Pradesh Legislative Assembly comprises more than one municipality he shall be an associate member in respect of the committees of each such municipality.

II. If any municipality falls in more than one constituency, the members representing each such constituency shall be the associate members of the committee of such municipality.

III. A person who is elected as member of a committee shall not be considered to be an associate member if he is a member of the Himachal Pradesh Legislative Assembly at the time of his election or becomes such member at any time thereafter and such person shall have all the rights and be subject to all the liabilities of an elected member.

(2) The State Government may nominate to a committee such number of officials (not exceeding eight), to act as advisers, as it may think fit. Such advisers shall neither be deemed to be members of the committee nor shall they have right to vote in any capacity whatsoever but shall be entitled to participate in all proceedings of the committee in an advisory capacity."

Addition of
new sections
11-A &
11-B.

4. In the principal Act, after section 11, the following sections 11-A and 11-B along with their headings shall be added, namely:—

"11-A. *Co-option from amongst women.*—If no woman has been elected to a committee, the elected members of the committee shall co-opt in accordance with the provisions of section 11-B, one woman, who is otherwise qualified to be elected as members of such committee, where the total number of the members of the committee does not exceed ten. Where the total number of members of the committee exceeds ten, two such women shall be co-opted as members of the committee and if one woman has been elected, the elected members shall co-opt one such woman.

11-B. *Manner of co-option.*—Co-option under section 11-A in the case of a newly constituted committee shall be made in a meeting of the elected members held for the purpose of administering oath of allegiance to them and in case of any other committee within a period of thirty days from the date of commencement of the Himachal Pradesh Municipal (Amendment) Act, 1977:

Provided that whenever a vacancy occurs by death, resignation, removal or otherwise of a co-opted member, the co-option shall be made within a period of thirty days from the occurrence of the vacancy."

Insertion of
sub-sections
(2-A) and
(2-B) to
section 12.

5. After sub-section (2) of section 12 of the principal Act, the following sub-sections (2-A) and (2-B) shall be inserted, namely:—

"(2-A) The term of office of an associate member shall be co-terminus with his term as member of the Legislative Assembly.

(2-B) The term of office of a co-opted member shall be co-terminus with the term of elected members fixed under sub-section (2)."

Substitution
of section
233.

6. For section 233 of the principal Act, the following section shall be substituted, namely:—

"233. Whoever disobeys any lawful direction or prohibition given by the Committee by public notice under this Act or any written notice

lawfully issued by it thereunder, or fails to comply with the conditions subject to which any permission was given by the committee to him under those powers, shall, if the disobedience or omission is not an offence punishable under any other section, be punishable with fine which may extend to five hundred rupees but which shall not be less than fifty rupees, and, in the case of a continuing breach, with a further fine which may extend to twenty five rupees for every day after the first during which the breach continues:

Provided that when the notice fixes a time within which a certain act is to be done and no time is specified in this Act, it shall rest with the magistrate to determine whether the time so fixed is a reasonable time within the meaning of this Act.”.

